

The defendant contends that his judgment fails to recite that he should receive credit against his sentence for the time spent in federal custody prior to sentencing, which he claims the court granted orally at the time of sentencing. The defendant was obtained by writ from state custody on September 21, 2015, and returned to state custody following his federal sentencing on July 13, 2016. His state sentence expired on March 28, 2019, and he began his 84-month federal sentence. Murphy claims that he should be entitled to credit against his federal sentence for his time in

custody between September 21, 2015, and July 13, 2016, while he was being prosecuted in this court.

The motion will be denied. The Bureau of Prisons (“BOP”) and not the sentencing court is responsible for granting an inmate credit against his criminal sentence for jail time served before sentencing. 18 U.S.C. § 3585(b); *United States v. Wilson*, 503 U.S. 329, 334 (1992). Furthermore, “[j]udicial review [of BOP computations of sentence] must be sought under 28 U.S.C. § 2241 in the district of confinement rather than in the sentencing court.” *United States v. Miller*, 871 F.2d 488, 490 (4th Cir. 1989).

Accordingly, the defendant must seek administrative relief from the BOP and if credit for prior custody is not properly given by the BOP, the defendant may seek relief in the federal district court in the district in which he is incarcerated.

For these reasons, it is **ORDERED** that the motion, ECF No. 1043, is DENIED.

ENTER: October 9, 2019

/s/ JAMES P. JONES  
United States District Judge